

**Before the
Federal Communications Commission
Washington, DC 20554**

FCC 14M-39
10185

In the Matter of	)	EB Docket No. 11-71
)	
MARITIME COMMUNICATIONS/LAND	)	File No. EB-09-1H-1751
MOBILE, LLC	)	FRN: 0013587779
)	
Participant in Auction No. 61 and Licensee of)	
Various Authorizations in the Wireless Radio)	
Services)	
	)	Application File Nos. 0004030479,
Applicant for Modification of Various	)	0004193028, 0004193328,
Authorizations in the Wireless Radio Services	)	0004354053, 0004309872,
	)	0004310060, 0004314903,
Applicant with ENCANA OIL AND GAS (USA),	)	0004315013, 0004430505,
INC.; DUQUESNE LIGHT COMPANY, DCP	)	0004417199, 0004419431,
MIDSTREAM, LP; JACKSON COUNTY	)	0004422320, 0004422329,
RURAL MEMBERSHIP ELECTRIC	)	0004507921, 0004526264,
COOPERATIVE; PUGET SOUND ENERGY,	)	and 0004604962
INC.; ENBRIDGE ENERGY COMPANY,)	
INC.; INTERSTATE POWER AND LIGHT)	
COMPANY; WISCONSIN POWER AND)	
LIGHT COMPANY; DIXIE ELECTRIC)	
MEMBERSHIP CORPORATION, INC.; AND)	
ATLAS PIPELINE-MID CONTINENT, LLC)	
)	
For Commission Consent to the Assignment of)	
Various Authorizations in the Wireless Radio)	
Service)	

ORDER

Issued: December 3, 2014

Released: December 3, 2014

On December 1, 2014, James Stenger, Esq., counsel for Environmental LLC and Verde Systems LLC, joined by Warren Havens (collectively "EVH"), requested by e-mail that the Presiding Judge "take appropriate steps to require" Maritime Communications/Land Mobile, LLC (Maritime) to file a report reflecting compliance with the Joint Stipulation filed on September 11, 2014.

EVH's request does not comply with the practice and procedure guidelines for filing in this proceeding.¹ Counsel cannot petition for relief in a formal hearing by merely e-mailing a request that lacks the appropriate format and supporting legal citation. More importantly, the plea lacks immediacy. Trial on Issue G commences next week and the request has no bearing upon it. The Presiding Judge's prehearing preparation schedule dictates against taking time for a ruling on the motion.

Furthermore, at the November 4 Evidence Admission Session, Mr. Keller, counsel for Maritime, reported that the stipulated licenses cannot be canceled due to a technical issue with the Commission's Universal Licensing System, yet pointed out that the presence or absence of those licenses "on the database" is not adverse to Mr. Havens or his companies because they are effectively terminated by the Presiding Judge's order.² Mr. Keller asserted that Mr. Havens and his companies can operate freely in those areas where he has geographic licenses and even offered to recommend to Maritime that they draft a letter that can be filed with Mr. Havens' applications stating as much.³ The Presiding Judge stated that he was satisfied with this report and the current status of the licenses.⁴ EVH's claim that Maritime has caused additional delay, uncertainty, and expense by failing to file the sought report is therefore preposterous.

Rather than waste time by revisiting a matter unrelated to hearing, Mr. Stenger is directed to stop raising this matter and address the immediate concerns of Mr. Havens who has repetitively called and e-mailed seeking guidance on procedure. Mr. Havens should look to his and his companies' counsel, with whom he has worked closely, for advice this close to trial and not to OALJ's staff.

As a final clarification for Mr. Havens, EVH is expected to provide a copy of its admitted exhibits to the Presiding Judge and the other litigating parties by 3:00 p.m. on Friday, December 5. For exhibits that are only admitted in part, EVH is to provide (1) the admitted portions and (2) the first one or two pages of the document, clearly marked as being included solely for identification purposes. Providing the document in full with the non-admitted portions crossed out, while more cumbersome, is also an acceptable option. To avoid security issues, EVH must provide notice of delivery by courier one day in advance.

Finally, parties are expected to be aware of the order of procedure.⁵ The Enforcement Bureau opens and closes.⁶ Maritime shall present its case second and the EVH parties shall present theirs last.⁷ Witnesses are to be put on the stand by sponsoring parties in accordance with an agreed order.⁸ Litigating counsel and litigating parties are expected to cooperate on witness scheduling. It is assumed that discussion on the order of witnesses at hearing is ongoing among trial counsel, bearing in mind the conveniences of witnesses and the need for their testimony. Be mindful that following the Evidence Admission Session of November 4, wherein

¹ See *Order*, FCC 12M-43 (rel. Sept. 25, 2012).

² Tr. 1190.

³ *Id.*

⁴ Tr. 1191.

⁵ See 47 C.F.R. § 1.255.

⁶ 47 C.F.R. § 1.255(a).

⁷ 47 C.F.R. § 1.255(c).

⁸ See *id.*

witnesses were identified and approved for cross-examination, all trial counsel and parties are by now well aware of the number, identity, and likely order of witnesses. It is up to counsel and the litigants to prepare *sans* further assistance from the fact finder.

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION⁹



Richard L. Sippel
Chief Administrative Law Judge

⁹ Courtesy copies sent to all counsel and to Mr. Warren Havens by e-mail upon issuance of this *Order*.